

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7769

BILL NUMBER: SB 491

NOTE PREPARED: Jan 12, 2005

BILL AMENDED:

SUBJECT: Deputy Prosecuting Attorneys.

FIRST AUTHOR: Sen. Zakas

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: ☒ **GENERAL**
☐ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

STATE IMPACT	FY 2005	FY 2006	FY 2007
State Revenues			
State Expenditures		446,024	446,024
Net Increase (Decrease)		(446,024)	(446,024)

Summary of Legislation: This bill allows the prosecuting attorney of a judicial circuit of the first or second class to appoint one additional deputy prosecuting attorney whose salary is paid by the state unless the prosecuting attorney may already appoint one or more additional deputy prosecuting attorneys because certain Department of Correction or other state facilities are located in the prosecuting attorney's county.

Effective Date: July 1, 2005.

Explanation of State Expenditures: The term judicial circuit refers to the area over which each circuit court has legal jurisdiction. With two exceptions, all counties are also judicial circuits. A judicial circuit class is determined under IC 33-39-6-4 by each circuit's proportion of its population and gross assessed valuation to state totals. Marion County is the only judicial circuit in Class 1. Eight counties are in the second circuit.

Under current law, each judicial circuit has a state-paid prosecuting attorney and deputy prosecuting attorney. Prosecuting attorneys in counties with either an adult correctional facility that houses between 100 and 1,500

offenders or a state mental health institution with at least 350 patients may appoint an additional deputy prosecuting attorney. Marion County is the only Class 1 or 2 circuit that currently may appoint an additional chief deputy prosecuting attorney. Consequently, each of the following eight counties would be permitted to appoint one additional deputy prosecuting attorney.

<u>County</u>	<u>Added Deputy Prosecuting Attorneys</u>
Allen	1
Elkhart	1
Hamilton	1
Lake	1
Porter	1
St. Joseph	1
Tippecanoe	1
Vanderburgh	<u>1</u>
	8

The state's share of salaries of these deputy prosecuting attorneys is \$40,500. The following table shows estimated costs associated with this bill, including the salary and fringe benefits.

<u>Estimated Staff Costs</u>	
<u>Cost Category</u>	<u>Total Costs</u>
Salary	\$40,500
Total Fringe	\$15,253
Total Staff Costs	\$55,753
Number of New Deputies	x <u>8</u>
Added Costs	\$446,024

Explanation of State Revenues:

Explanation of Local Expenditures: Counties may supplement their staff by adding deputy prosecuting attorneys that are paid by county funds. These eight counties may realize some savings if the state funds are substituted to pay for deputy prosecuting attorneys who are paid by these respective counties through county funds.

Explanation of Local Revenues:

State Agencies Affected: Division of State Court Administration.

Local Agencies Affected: Allen, Elkhart, Hamilton, Lake, Porter, St. Joseph, Tippecanoe, and Vanderburgh Counties.

Information Sources: Indiana Code.

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